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EXAMINER

BAUTISTA, XIOMARA L

ART UNIT PAPER NUMBER

2179

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/822,447

Applicant(s)

THOMAS ET AL.

Examiner

X L. Bautista

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-14, 16-18 and 23-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-14, 16-18 and 23-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-4, 6-14, 16-18 and 23-32 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 2, 4, 6-12, 14, 16-18, and 23-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chiu et al* (US 6,452,615 B1) and *Milewski et al* (US 6,289,346 B1).**

#### Claims 1 and 31:

Chiu discloses a notetaking system that uses digital video and ink as references and notes. The system uses video feeds, bookmarking, and indexing material. The invention includes indexing of notes and video feed via de use of thumbnails, timestamps, and background snaps (abstract; col. 1, lines 7-20; col. 2, lines 57-61). Chiu's system includes providing video content that includes video

frames and reviewing the video (col. 2, lines 3-6, 64-67; col. 4, lines 36-46; col. 5, lines 57-61; col. 6, lines 35-42); sending a bookmark during review of the video (col. 2, lines 64-67; col. 3, lines 1-11, 31-40); identifying a characteristic feature on the selected frame and recording the information on a storage medium (abstract; col. 5, lines 21-24; col. 6, lines 50-67; col. 7, lines 1-13; col. 8, lines 1-22); identifying a segment of the video containing the selected frame, the segment having a segment starting point and a segment endpoint and storing at least a portion of the segment (col. 5, lines 57-61; col. 6, lines 35-42; col. 8, lines 26-32, 50-53). Chiu teaches a notetaking device that allows a user to capture stills from media streams, make annotations (bookmarking), and reference important events for later playback (segmenting=breaking up into several sections or segments). That is, the video is segmented when the user annotates the video, so that the annotated frames can be replayed later (abstract; col. 2, lines 56-67; col. 3, lines 1-20).

Chiu does not teach defining a segment of the video containing the selected frame by identifying segment starting point and segment endpoint boundaries. However, Milewski discloses a method and apparatus for annotating media. Milewski teaches a bookmarking system having a user input device that enables a viewer to bookmark a program of interest for future reference. The input device communicates the identity of the program of interest to identify a URL for the archived version of the program. The program is segmented into discrete portions

and a unique URL is associated with each discrete portion. Milewski teaches several methods for designating URLs for particular portions of archived programs. One method monitors fade-outs (e.g., the commercial breaks) in the program and each segment between fade-outs (meaningful changes of information) is assigned a unique URL; another method assigns URLs to each separate topic, for example, each news story in a news program could be assigned a separate URL (abstract; col. 1, lines 55-67; col. 2, lines 1-19, 40-51; col. 5, lines 24-67; col. 6, lines 1-23). Thus, it would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify Chiu to include Milewski's teaching of identifying starting point and endpoint boundaries because users are enabled to retrieve a desired section of an audio or video media to view at any moment and gain selective access from a specific index point to any type of data.

Claims 2 and 12:

See claim 1. Chiu teaches that characteristic features of the frame are obtained from a frame signature created using the visual, audio or text properties of the frame (col. 1, lines 21-34; col. 3, lines 1-40, col. 4, lines 36-51).

Claims 4 and 14:

Chiu teaches timestamp as a characteristic feature of the frame (col. 1, lines 12-15; col. 3, lines 31-34, 49-52; col. 4, lines 44-46).

Claims 6 and 16:

See claim 1. Chiu teaches that NoteLook system includes automatic note-taking using slide change detection. The video containing the presentation material is analyzed to determine when slide changes occur (col. 5, lines 13-20; col. 7, lines 14-30); and color changes (col. 7, lines 14-30). The NoteLook client is an audio and audio note-taking application that has video window and video handling capabilities (col. 5, lines 42-44).

Claims 7 and 17:

Chiu teaches that the segment is stored on the same medium as the video (col. 6, lines 50-54, 63-66; col. 8, lines 1-32; col. 9, lines 17-28).

Claims 8, 9 and 18:

See claim 1. Chiu teaches that a predefined length of the video from the segment start point is stored (col. 5, lines 13-20; col. 6, lines 16-18, 23-27).

Claims 10 and 25:

See claim 1. Chiu teaches that the stored segment contains a frame of the segment (col. 4, lines 36-46; col. 5, lines 21-28).

Claim 11:

See claim 1. Chiu teaches that the video source can be captured from a VCR or any video stream attached to the computer (col. 3, lines 41-45; col. 4, lines 56-60; col. 5, lines 8-12, 34-35, 57-58; col. 7, lines 3-6).

Claims 23 and 32:

See claim 1. Chiu teaches that the user may store, browse and retrieve the segment of the video having the selected frame (col. 5, lines 57-61; col. 6, lines 35-42; col. 8, lines 26-32, 50-53).

Claim 24 and 28:

Chiu teaches that the videos may be stored locally or separately by the server onto the network and can be randomly accessed. The video may be transmitted to the NoteLook clients by the NoteLook server over a wireless network (fig. 8; col. 6, lines 50-66). Chiu teaches a storage mechanism that stores the notefile, captured images and indexed annotations on a remote server for subsequent retrieval during playback (col. 9, lines 25-28).

Claim 26:

Chiu teaches that the bookmarks may be accessed by mobile communication devices via a wireless connection (col. 3, lines 40-57; col. 4, lines 47-60; col. 5, lines 1-12; col. 6, lines 55-60).

Claim 27:

Chiu teaches that the bookmarks may be stored at multiple levels, shared and accessed by different individuals (fig. 8; col. 3, lines 31-40; col. 4, 31-36; col. 6, lines 50-66; col. 9, lines 25-28).

Claim 29:

See claim 1. Chiu teaches an index that is linked and allows access only to the segment, which is stored in another location (col. 7, lines 49-54; col. 8, lines 39-53).

Claim 30:

See claim 2. See further, Chiu: fig. 8; col. 6, lines 50-66; col. 9, lines 25-28.

4. **Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chiu/Milewski* and *Brewer et al* (US 6,285,361 B1).**

Claims 3 and 13:

Chiu/Milewski does not teach that a characteristic feature of the frame is its frame number. However, Brewer discloses a method for clipping video segments from an audiovisual file having multiple video frames. Brewer's method includes selecting a mark-in location that defines the beginning of the clipped segment, and a mark-out location defining the end of the clipped segment (abstract; col. 1, lines 43-50; col. 3, lines 30-67; col. 4, lines 1-27). Brewer teaches the frame number as a characteristic feature (col. 5, lines 18-67; col. 15, lines 22-38). Therefore, it would have been obvious to modify Chiu/Milewski's notetaking system to include Brewer's teaching of using the frame number as a characteristic feature because it is an easy, quick and effective way to identify a frame.



***Conclusion***

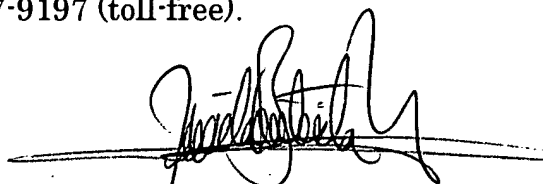
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L. Bautista whose telephone number is (571) 272-4132. The examiner can normally be reached on Monday-Thursday 8:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'X L Bautista', is written over a horizontal line.

X L Bautista  
Primary Examiner  
Art Unit 2179